

**D R A F T**

**Minutes of the  
Virginia Soil and Water Conservation Board**

**Thursday, May 15, 2003  
Virginia Department of Forestry  
Charlottesville, Virginia**

**Virginia Soil and Water Conservation Board Members Present**

David L. Moyer, Chairman	A. Dewey Bond
Linda Sours Campbell	M. Denise Doetzer
Jack E. Frye (for Joseph H. Maroon)	W.P. Johnson
Granville M. Maitland	Jean R. Packard

**Virginia Soil and Water Conservation Board Members Not Present**

J. Carlton Courter, III	Robert M. Hall
Dr. Kriton Hatzios	Dr. Lorenza Lyons
Dr. Steve Umberger	

**Staff Present**

William G. Browning, DCR	Michael R. Fletcher, DCR
Larry Gavan, DCR	Jonathan T. Phillippe, DCR
Stuart Wilson, DCR	

**Others Present**

Greg Evans, VASWCD  
J. Michael Foreman, Department of Forestry  
Stephanie Martin, VASWCD

**Call to Order**

Chairman Moyer called the meeting to order. A quorum was declared present.

Mr. Moyer thanked members for attending and thanked Mr. Foreman for hosting the meeting at the Department of Forestry.

**Minutes of March 20, 2003 Meeting**

MOTION	Ms. Packard moved that the minutes of the March 20, 2003 meeting be approved as submitted.
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SECOND                      Mr. Johnson

DISCUSSION                Ms. Campbell noted the need for a date correction on page 7. the correction was noted.

VOTE                        Motion carried unanimously. Minutes stand approved as corrected.

**Governor's Natural Resources Summit Update**

Mr. Frye gave a report from the Governor's Natural Resources Summit. He distributed a copy of the Governor's Natural Resources Partnership Agenda. (copy available from DCR).

DCR Director Joe Maroon has been tasked with leading a group to address the issue of streamlining the current stormwater management process. The report is due to the Governor by October 1, 2003.

The Department of Conservation and Recreation will develop a plan to coordinate with local soil and water conservation districts to better target the use of state cost-share dollars and encourage more farmers to implement conservation practices. This will be addressed within the next year before the new program cycle for 2004.

Chairman Moyer noted that the conference was well worth the time and allowed for interaction among the various participants.

**Local Urban Programs Updates**

Mr. Gavan gave an update regarding local urban programs.

Mr. Gavan brought before the board the issue of certified holders called to active military duty in the Armed Forces of the United States in accordance with § 10.1-561 of the Virginia Erosion and Sediment Control Law.

MOTION:                      Mr. Maitland moved that as more than 30,000 Virginians have served in the recent Persian Gulf Conflict many reservists and national guard members called to active duty from civilian life, that the Virginia Soil and Water Conservation Board, in recognition of their service to our country and effective immediately, the Board recognize that certificate holders in good standing called to active military duty in the Armed Forces of the United States, whose certificates may have expired while on active duty or otherwise have had the time allowed to re-certify shortened by military service shall be allowed to extend the expiration date of their certification to six months after their release from active military duty by the applicant's written request to the Director of the Department of Conservation and Recreation.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Gavan presented the following proposed modification to the program review schedule. This would include substituting the City of Portsmouth in place of the Town of Cape Charles. The schedule for 2003 would include:

City of Hampton	City of Portsmouth
King William County	James City County
Mecklenburg County	City of Roanoke
Albemarle County	Campbell County
Prince George County	City of Richmond
Town of Christiansburg	Floyd County
City of Bristol	Washington County
Rappahannock County	Stafford County
Town of Bridgewater	County of Rockingham
Town of Warrenton	Town of Dumfries

MOTION: Ms. Campbell moved that the proposed program review schedule for 2003 be approved as submitted by staff.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Gavan noted that Carroll County alternative inspection program was accepted for consideration at the last meeting. At this time staff recommends approval.

MOTION: Ms. Campbell moved that the Virginia Soil and Water Conservation Board accept the proposed Carroll Alternative Inspection Program, which was accepted for consideration in March 2003.

SECOND: Mr. Johnson

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Gavan noted that DCR staff finds that Bedford County has completed all of the actions in their Corrective Action Agreement therefore the program is found to be consistent with the Virginia Erosion and Sediment Control Law and Regulations.

MOTION: Mr. Johnson moved that the Virginia Soil and Water Conservation Board commend Bedford County for protecting Virginia's precious soil and water resources by successfully operating their local Erosion and Sediment Control Program consistent with The Virginia Erosion and Sediment Control Law and Regulations.

SECOND: Ms. Packard

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Gavan reported that the Board approved action regarding the Town of Rocky Mount Erosion and Sediment Control Program in January, 2002. At this point the plan is not fully consistent. They are in the process of correcting these issues. No Board action is necessary at this time.

Mr. Gavan reported that over a year ago, the Board permitted staff to move ahead with computer training and certification. The online inspector program has been recently activated.

Mr. Gavan briefly reviewed the Patriot project which will expand a natural gas pipeline through six counties in southwest Virginia.

### **District Director Resignations and Appointments**

Mr. Browning presented the following SWCD Director resignations and appointments:

#### *Loudoun*

Resignation of Marian A. Czarnecki, Loudoun County, effective 3/31/03, elected director position (term of office expires 1/1/08).

Recommendation of James K. Wylie, Loudoun County, to fill unexpired elected term of Marian A. Czarnecki (term of office to begin on or before 6/14/03 – 1/1/08).

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment actions as presented by DCR staff and that staff be directed to communicate the Board action to the affected SWCDs.

SECOND: Mr. Johnson

DISCUSSION: None

VOTE: Motion carried unanimously.

### **Dam Safety Certificates and Permits**

Mr. Phillipe presented the following list of Dam Safety Certificates and Permits:

INV. NO.	NAME	CITY/COUNTY
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#### **Dam Safety Alteration Permit**

None

#### **Dam Safety Construction Permit**

05935	Lake Accotink Confined Disposal Facility*	FAIRFAX
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#### **Dam Safety Operation and Maintenance Certificates**

##### **Class I Regular**

01528	South River Dam #8A (Jones Hollow)	AUGUSTA
05901	Barcroft Dam	FAIRFAX
05929	Pohick Creek Dam #1	FAIRFAX

##### **Class I Conditional**

05907	Pohick Creek Dam #8	FAIRFAX
05922	Pohick Creek Dam #4	FAIRFAX
05928	Pohick Creek Dam #3	FAIRFAX

##### **Class II Regular**

00924	Buffalo River Dam #4	AMHERST
10710	Sleeter Lake Dam	LOUDOUN
10711	Precision Dynamics Dam	LOUDOUN
14734	Bush River Dam #2	PRINCE EDWARD
80001	Lake Cohoon Dam	SUFFOLK
80002	Lake Kilby Dam	SUFFOLK
80010	Speights Run Dam*	SUFFOLK
80013	Lake Mead Dam	SUFFOLK

##### **Class II Conditional**

None

##### **Class III Regular**

04301	Short Hill Farm Dam	CLARKE
10729	Reckmeyer Dam	LOUDOUN
14701	Buffalo Creek Dam #1 (Grandview Lake)	PRINCE EDWARD

14702	Buffalo Creek Dam #3 (Little Creek Lake)	PRINCE EDWARD
14703	Buffalo Creek Dam #4 (Spring Creek Lake)	PRINCE EDWARD
14706	Buffalo Creek Dam #2 (Stockton Lake)	PRINCE EDWARD
14707	Buffalo Creek Dam #5 (Lake Buffalo)	PRINCE EDWARD
14708	Buffalo Creek Dam #6 (Bell Lake)	PRINCE EDWARD
14709	Buffalo Creek Dam #7 (Lake Gayle)	PRINCE EDWARD
14710	Buffalo Creek Dam #8 (Lake Abilene)	PRINCE EDWARD
14711	Buffalo Creek Dam #9 (Wilkes Lake)	PRINCE EDWARD
14736	Bush River Dam #7	PRINCE EDWARD

Class III Conditional

None

Extension to July 2003 Board Meeting

01906 (2C)	Springhill Lake Dam	BEDFORD
02310 (1R)	Carvins Cove Dam	BOTETOURT
03108 (2R)	Wildwood Recreation Dam #1	CAMPBELL
04701 (3R)	Mountain Run Dam #8A (Caynor Lake)	CULPEPER
04705 (3R)	Mountain Run Dam #13 (Lake Merrimac)	CULPEPER
05910 (2R)	Lake Fairfax Dam	FAIRFAX
06707 (3R)	Melody Lake Dam	FRANKLIN
10704 (3R)	Izaak Walton League Dam	LOUDOUN
10714 (3R)	Gore Dam	LOUDOUN
14737 (1R)	Briery Creek Lake Dam	PRINCE EDWARD
16501 (1R)	Lower North River #80 (Union Springs)	ROCKINGHAM
16502 (1R)	Lower North River #78 (Briery Dam)	ROCKINGHAM
16509 (1R)	Shoemaker River #4C (Slate Lick)	ROCKINGHAM
16510 (1R)	Shoemaker River #3B (Hogpen)	ROCKINGHAM
17707 (2R)	Wilderness Dam	SPOTSYLVANIA
17711 (2R)	Grant Lake Dam	SPOTSYLVANIA
18702 (3R)	Lake John Dam	FREDERICK

Extention to September 2003 Board Meeting

00908 (2R)	Graham Creek Dam	AMHERST
01504 (2R)	South River Dam #10A (Mills Creek)	AUGUSTA
02913 (2R)	Slate River Dam #2	BUCKINGHAM
03106 (3R)	Brookneal Dam	CAMPBELL
03324 (1C)	Lake Caroline Dam	CAROLINE
07507 (3R)	Pruitts Dam	GOOCHLAND
08703 (2C)	Gillie Creek Dam	HENRICO
12513 (3R)	Black Fox Hills Dam	NELSON
17908 (2R)	Lake Arrowhead Dam	STAFFORD
19509 (2R)	Bens Branch Dam	WISE
19510 (2R)	Toms Creek Dam	WISE

Out of Compliance

07815 (2) Greene Mountain Lake Dam

GREENE

\* 7/01/02 Revised Impoundment Definition Dams

MOTION: Ms. Campbell moved that the Virginia Soil and Water Conservation Board approve the list of Dam Safety Certificates as submitted.

SECOND: Ms. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Phillippe said that the Director had written the owner and about 300 land owners surrounding Greene Mountain Lake Dam. The owner has responded. He presented a draft letter for the Director to send back to the owner. The owner has until June 16 to complete the necessary paperwork.

MOTION: Ms. Packard moved that the Board adopt the following prepared motion:

Whereas the Greene Mountain Lake Dam (Virginia Dam Inventory Number 07915) has been operated out of compliance with the Virginia Dam Safety Act and Impoundment Regulations since May 2002, and whereas the owner has recently responded to the March 19 letter of Mr. Joseph Maroon, which outlines the concerns of the Board with regard to this dam, be it directed by this Board that the owner submit, no later than June 16, 2003, documents to this Board, through the Department of Conservation and Recreation, Division of Dam Safety, necessary to obtain a valid Conditional Operational and Maintenance Certificate.

The Board further directs that the owner cause to be prepared, and presented, an application for an Alteration Permit as soon as practicable. The submittal should include plans and specifications for the rehabilitation of the dam that fully address the following concerns:

1. Construction of a principal spillway to safely pass, at a minimum, the 50-year storm with no adverse erosion in the emergency spillway or downstream of the dam. Calculations verifying adequate velocity protection are expected to be submitted.
2. An Emergency Spillway must be designed and constructed to pass at least 50% of the probable maximum flood (PMF) without overtopping the crest of the dam.

3. Spillway discharges must be directed away from the toe of the dam.
4. Toe drain/filters to address the seepage.
5. Outlet repairs – details and specifications.
6. Trash rack(s) and anti-vortex device(s) for principal spillway(s) - details and specifications. Earthwork plans and specifications to regrade the crest and slopes of the dam to maintainable slopes.
7. Seeding plans and specifications.
8. Plans and specification for velocity protection at the plunge pool(s).
9. Plans and specification for erosion and sediment controls.
10. Specification of construction testing and monitoring (By whom and at what frequency).

Actual modifications to the dam should be made expeditiously following approval of an Alteration Permit by the Board.

The Board further directs that any construction be supervised by competent professional engineer(s), with appropriate competencies, that have full authority to stop any construction activity deemed improper, until appropriate procedures and practices can be effected.

SECOND: Ms. Campbell

DISCUSSION: None

VOTE: Motion carried unanimously.

Mr. Phillippe noted that there is additional legislation pending in Congress that would provide funding for Dam repair. Some of this funding may come through the Homeland Security Fund.

**Evaluation Guidance For DCR/SWCD FY 2003 – 2004 Grant Agreement Deliverables – (contains VSWCB approved “deliverables” referenced in Item IV I) of VSWCB Policy on “Financial Assistance for Soil and Water Conservation Districts”**

Mr. Browning addressed the 2003-2004 Grant Agreement Deliverables. He noted that staff was seeking concurrence regarding guidance for Districts and CDCs. Deliverables will be part of the agreement between the Department and the District.

MOTION: Ms. Campbell moved that the Virginia Soil and Water Conservation Guidance for the DCR/SWDD FY 2003-2004 Grant Agreement Deliverables as presented by DCR staff.



SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

#### **SWCD Financial Update for FY 2003/2004**

Mr. Browning gave a financial update for districts and presented a chart outlining funds available for each district. He note that grant agreements would be mailed within the week.

Mr. Maitland noted that he would like to commend the association Board for all their work during the General Assembly session.

#### **Required Regulatory Updates: Regulatory Public Participation Procedures**

Mr. Frye presented a motion dealing with the regulatory process.

Periodically, every regulatory body has public participation guidelines. This board has gone through this process. The Board required to address changes in the code and bring our regulations up to speed.

The approved motion is provided as Attachment #1 to these minutes.

#### **Agency Reports**

##### *Natural Resources Conservation Service*

Ms. Doetzer gave the report for the Natural Resources Conservation Service.

- National headquarters sent each state their budget on April 21<sup>st</sup> This is the first time in 6 years that the budget did not begin in deficit. NRCS is currentlty analyzing the budget to see how much funding is available for each program in Virginia.
- Funds for cost-sharing to landowners for Farm Bill programs increased twenty-five percent over last year.
- Funds for Technical Service Providers are included for the first time in the budget. The partnership challenge for the rest of the fiscal year will be getting these funds obligated by September 30<sup>th</sup>.
- Increased Farm Bill funds mean greater opportunities in 2003.

- Environmental Quality Incentives Program. Received \$5.1 million in FY 2002. About \$7.2 million in FY 2003. NRCS has been taking applications; probably already 80 applicants in this area even before a sign-up
- Conservation Reserve Enhancement Program. Now that CREP has been extended through 2007, there are additional opportunities for protecting even more streams. We have reached about one-third of the goal of 25,000 acres in the Chesapeake Bay.
- Farmland and Ranchland Protection Program. In FY 2002, the first FRPP easements in Virginia were approved. Virginia has received a million dollars for the FRPP program in FY 2003
- Resource Conservation and Development. Anxiously awaiting to see if the Secretary of Agriculture approves two new RC&D applications for Shenandoah Valley and Hampton Roads. Currently 6 RC&Ds covering 44 counties including new South Center Corridors RC&D approved by Secretary of Agriculture in FY 2002.
- SWCDs have been asked to convene meetings of local working groups for input on EQIP and WHIP.

*Virginia Department of Forestry*

Mr. Foreman gave the following report:

- The Department of Forestry continues to lose employees through retirements and layoffs. Projecting into September of this year, we will have 12 additional retirements. This will leave us with 279 employees and 79 vacancies.
- A process to develop a new goal for riparian buffers continues with an expected completion date in September. A stakeholder meeting was held on April 15 with 25 people attending. Most stakeholders are comfortable with the process and draft numbers for buffer miles. Initially, we have discussed some goals revolving around urban and community forests. We have discounted some goals as not belonging in this new Bay goal and are working with DCR and SNR to see if this concept has value elsewhere.
- The Department of Forestry is about to close on its first Forest Legacy tract. Sandy Point encompasses around 2100 acres and is located on the Mattaponi River. This will be a new state forest directly adjacent to the Mattaponi Indian Reservation in King William County. It was formerly Chesapeake Forest Products company land before being acquired by the Nature Conservancy.
- The Chesapeake Forestry Workgroup will distribute about \$300,000 of grant project funds through the National Fish and Wildlife Foundation. This is the first time we have acquired this amount of money and we are really pleased to contribute. Projects with local community-based projects with riparian or land conservation goals are the targets.

*Virginia Cooperative Extension Service*

Not represented.

*Virginia Department of Agriculture and Consumer Services*

Not represented.

*Virginia Department of Conservation and Recreation*

Mr. Frye presented the report for the Department of Conservation and Recreation.

The Governor signed the budget on May 2, 2003. District funding remained the same as presented from the General Assembly. The June payment to districts will be less, but will be distributed according to Board Financial Policy. District funding agreements have been signed at DCR and will be mailed following the board meeting.

The cost share program for FY04 has \$275,000 from the Bay Grant and currently \$128,000 of the \$1 million appropriated by the General Assembly from the dredging royalty fee fund. There is no way to determine if the remainder of the \$1 million will become available this year.

The Soil and Water Conservation District leadership retreat was held April 24-25. Attendance was less than the February sign-up, but still good. The retreat helped new and veteran directors focus on their role.

Distribution of the 2002 Clean Water/Bay Friendly Farm Awards for the 10 Basin Grand Winners is completed.

**Public Comment**

Mr. Maitland gave an update regarding the board committed to study the make-up of districts. The committee met in April.

Members of the committee include:

*Soil and Water Conservation Board*

Granville Maitland

Linda S. Campbell

Districts

Charles Horn

Jim Byrne or Rick Chester

Don Wells

Daphne Jamison  
Bob Tudor  
Hudson Reese

Employee Association Members  
Pete Holden  
Keith Burgess

DCR / advisory  
Mark Meador  
Bill Browning

Mr. Evans reported that the Association had a productive meeting with the Governor.  
A number of issues were raised.

The next association meeting is June 26-27 in Blackstone.

### **Other Business**

None.

### **Next Meeting – July 18, 2003**

The next meeting of the Virginia Soil and Water Conservation Board will be Friday, July 18 at 9:30 a.m. at the Department of Forestry.

Staff will look at the possibility of holding the September meeting in conjunction with Farm and Family Weekend at Virginia Tech.

### **Adjourn**

There being no further business, the meeting was adjourned.

Respectfully submitted,

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David L. Moyer, Chair

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Joseph H. Maroon, Recording Secretary

**Virginia Soil and Water Conservation Board  
May 15, 2003**

**Motion to bring the Regulatory Public Participation Procedures Regulations up to date:**

The Board authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to prepare those changes necessary to bring the Board's Regulatory Public Participation Procedures Regulations, including any attendant forms, into conformance with changes made to the Code of Virginia and any other non-discretionary changes to conform with the Virginia Acts of Assembly or with federal law and regulations enacted since the last regulatory amendment.

This authorization is for those changes that are exempt from the Administrative Process Act and are subject only to the Virginia Register Act.

This authorization extends to, but is not limited to, the drafting of the necessary regulatory amendments, action summary, and other necessary documents and documentation as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at the next Board meeting. At that time, the Board desires to have a set of proposed actions available for final regulatory action.

Motion made by: Jean R. Packard

Motion seconded by: Granville M. Maitland

Action: Motion carried unanimously

\* original signature on file

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David L. Moyer  
Chairman

\* original signature on file

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Joseph H. Maroon  
Secretary